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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,908	02/28/2002	Will G. Fetherolf	10015361-1	1658
7590 03/31/2009 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400				
EXAMINER				
LIANG, LEONARD S				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
03/31/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* WILL G. FETHEROLF

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Application 10/086,908  
Technology Center 2800

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Mailed: March 31, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application has revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on April 4, 2007. (Note: it does not appear to have been entered into the PTO PALM system). There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**HUMAN TRANSLATION NEEDED**

One of the references relied upon by the Examiner in the rejections of the claims on appeal is JP2000-184911. The Examiner has submitted an English Machine-Assisted Translation for review of this reference. However, the BPAI does not accept machine translations. A human translation of the reference is required.

**CONCLUSION**

Accordingly, it is

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) consider the Reply Brief filed April 4, 2007 as indicated above, and to have the Reply Brief entered into PTO Palm if necessary; and
- 2) have a human translated English language copy of the Japanese reference used in the rejections of the appealed claims, inserted into the application's Image File Wrapper (IFW); and;

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/vsh

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